

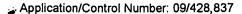
United States Patent and Trademark Office



APPLICATION NO.	. 1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,837	_	10/28/1999	TERUHIRO SHIONO	04558/036001	5196
22511	7590	06/04/2004		EXAMINER	
OSHA & I			HUBER, I	HUBER, PAUL W	
1221 MCKINNEY STREET HOUSTON, TX 77010				ART UNIT	PAPER NUMBER
	•			2653	9
				DATE MAILED: 06/04/2004	, /

Please find below and/or attached an Office communication concerning this application or proceeding.

			T				
		Application No.	Applicant(s)				
• ≠*	. Office Action Summary	09/428,837	SHIONO ET AL.				
	Office Action Summary	Examiner	Art Unit				
	The MAN INC DATE of this committee is	Paul Huber	2653				
Period fo	 The MAILING DATE of this communication appr Reply 	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)🖂	Responsive to communication(s) filed on 10 M	larch 2004.					
·		s action is non-final.					
=	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition	on of Claims						
 4) Claim(s) 1-52 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 52 is/are rejected. 7) Claim(s) 1-51 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 							
Application	on Papers						
9)□ T	he specification is objected to by the Examine	er.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
,	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	nder 35 U.S.C. § 119						
12)⊠ A a)⊠ 	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document Copies of the priority document Copies of the certified copies of the priority document application from the International Bureause the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
2) Notice 3) Inform	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) atton Disclosure Statement(s) (PTO-1449 or PTO/SB/08)						
raper	No(s)/Mail Date	6) Other:					



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The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 52 is rejected under 35 U.S.C. 102(e) as being anticipated by Kajiyama et al. (USP-6,181,668)).

Kajiyama et al. discloses an optical head (see figures 2 & 10-12), comprising: at least one light source 23 for emitting beams with a plurality of wavelengths; a photodetector 28; and at least one diffractive optical element 25 provided in an optical path common to the beams with different wavelengths. A first diffraction light and a second diffraction light are emitted from the at least one diffraction optical element 25 with respect to the beams with a plurality of wavelengths. The diffraction orders of both the first diffraction light and the second diffraction light are not zero. See abstract, and col. 13, lines 28-37, which teach: "first order diffraction beam of the laser beam having the wavelength of 635 nm and second order diffraction beam of the laser beam having the wavelength of 780 nm may be used."

Claims 1-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claim 52 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and

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the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-

1549.

Primary Examiner Art Unit 2653

pwh May 29, 2004